

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

LUNA ECLIPS,

Plaintiff,

v.

EARL HOUSER, *et al.*,

Defendants.

Case No. 3:19-cv-197-SLG-MMS

**ORDER OF DISMISSAL**

Before the Court at Docket 3 is Plaintiff Luna Eclips' Motion to Amend Caption to Include Additional Defendants at GCCC. At Docket 9, The Honorable Magistrate Judge Matthew M. Scoble directed Mr. Eclips to file an amended complaint or a notice of voluntary dismissal by November 10, 2019. Because neither has been submitted, at Docket 11 Judge Scoble issued his Final Report and Recommendation with the recommendation that the case be dismissed and all pending motions be denied as moot.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."<sup>1</sup> A court is to "make a de novo determination of those portions of the magistrate judge's report

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<sup>1</sup> 28 U.S.C. § 636(b)(1).

or specified proposed findings or recommendations to which objection is made.”<sup>2</sup>  
But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>3</sup>

The magistrate judge recommended that the Court dismiss the case and that all pending motions, including the motion at Docket 3 to Amend Caption to Include Additional Defendants at GCCC, be denied as moot. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation, and IT IS ORDERED that the case is DISMISSED and all pending motions be DENIED as moot.

The Clerk of Court is directed to enter a final judgment accordingly.

DATED this 2nd day of December, 2019 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> *Id.*

<sup>3</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).